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Attorneys for Defendant, Counterclaim Plaintiff
and Third-Party Plaintiff Dexon Computer, Inc.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

CISCO SYSTEMS, INC., a Delaware
corporation and CISCO TECHNOLOGY,
INC., a California corporation,

Plaintiffs,

v.

DEXON COMPUTER, INC., a Minnesota
corporation,

Defendant.

DEXON COMPUTER, INC., a Minnesota
corporation,

Counterclaim Plaintiff and
Defendant,

v.

Case No. 3:20-CV-4926-CRB

**DEFENDANT AND THIRD PARTY
PLAINTIFF DEXON COMPUTER, INC.'S
AMENDED THIRD-PARTY CLAIMS**

Hon. Charles R. Breyer
Presiding Judge

Trial Date: None

1 CISCO SYSTEMS, INC., a Delaware
2 corporation and CISCO TECHNOLOGY,
3 INC., a California corporation,
4
5 Counterclaim Defendants and
6 Plaintiffs.

5 DEXON COMPUTER, INC., a Minnesota
6 corporation,

7 Third-Party Plaintiff,

8 v.

9 ATLANTIX GLOBAL SYSTEMS
10 INTERNATIONAL, LLC, BIZCOM
11 ELECTRONICS, INC., DIGI DEVICES
12 ONLINE, ENTERPRISE BUSINESS
13 TECHNOLOGIES, INC., FIBER CABLE
14 CONNECTIONS, MJSI, MULTIMODE
15 TECHNOLOGIES, LLC, NETWORK
16 REPUBLIC, OPTIMUM DATA, INC.,
17 PARAGON, PURE FUTURE
18 TECHNOLOGY, INC., SEASTAR IT
19 TRADING LLC, SERVER TECH SUPPLY,
20 SOFTNETWORKS, INC., STRADA
21 NETWORKS, LLC, STRATEGIC
22 TELECOM SUPPLY & SOLUTIONS,
23 TEKSAVERS, UNLIMITED NETWORK
24 SOLUTIONS, and WISECOM
25 TECHNOLOGIES, TECH NETWORK
26 SUPPLY LLC, TEAM TECH GLOBAL LLC,
27 ITECH DEVICES, and LINK-US, LLC,

28 Third-Party Defendants,

THIRD PARTY CLAIMS

1
2 1. Defendant and Third Party Plaintiff Dexon Computer, Inc. asserts the following
3 claims against Third Party Defendants Bizcom Electronics, Inc., Digi Devices Online, Enterprise
4 Business Technologies, Inc., Fiber Cable Connections, MJSI, Multimode Technologies, LLC,
5 Optimum Data, Inc., Paragon, Pure Future Technology, Inc., Seastar IT Trading LLC, Server Tech
6 Supply, Softnetworks, Inc., Strada Networks, LLC, Unlimited Network Solutions, Wisecom
7 Technologies, Tech Network Supply LLC, Team Tech Global LLC, iTech Devices, and Link-US,
8 LLC, and alleges as follows:

THE PARTIES

9
10 2. Third Party Plaintiff Dexon Computer, Inc. (“Dexon”) is a Minnesota corporation
11 with its principal place of business at 9201 E. Bloomington Freeway, Suite BB, Bloomington,
12 Minnesota 55420.

13 3. On information and belief, Third Party Defendant Bizcom Electronics, Inc., is a
14 California corporation with its principal place of business in California.

15 4. On information and belief, Third Party Defendant Digi Devices Online is a foreign
16 corporation with its principal U.S. place of business in Texas.

17 5. On information and belief, Third Party Defendant Enterprise Business
18 Technologies, Inc. is a New York corporation with its principal place of business in New York.

19 6. On information and belief, Third Party Defendant Fiber Cable Connections is a
20 Washington corporation with its principal place of business in Washington.

21 7. On information and belief, Third Party Defendant MJSI is a California corporation
22 with its principal place of business in California.

23 8. On information and belief, Third Party Defendant Multimode Technologies, LLC is
24 a Minnesota limited liability company with its principal place of business in Minnesota.

25 9. On information and belief, Third Party Defendant Optimum Data, Inc. is a Nebraska
26 corporation with its principal place of business in Nebraska.

1 10. On information and belief, Third Party Defendant Paragon is a Massachusetts
2 corporation with its principal place of business in Massachusetts.

3 11. On information and belief, Third Party Defendant Pure Future Technology, Inc. is
4 a California corporation with its principal place of business in California.

5 12. On information and belief, Third Party Defendant Seastar IT Trading LLC is a
6 Washington limited liability company with its principal place of business in Washington.

7 13. On information and belief, Third Party Defendant Server Tech Supply is a Virginia
8 corporation with its principal place of business in Pennsylvania.

9 14. On information and belief, Third Party Defendant Softnetworks, Inc. is a New
10 Jersey limited liability company with its principal place of business in New Jersey.

11 15. On information and belief, Third Party Defendant Strada Networks, LLC is a
12 foreign limited liability company with its principal place of business in British Columbia, Canada.

13 16. On information and belief, Third Party Defendant Teksavers is a Texas corporation
14 with its principal place of business in Texas

15 17. On information and belief, Third Party Defendant Unlimited Network Solutions is
16 a corporation with its principal place of business in California.

17 18. On information and belief, Wisecom Technologies is a corporation with its principal
18 place of business in Maryland.

19 19. On information and belief Tech Network Supply LLC is an Iowa limited liability
20 company with its principal place of business at 606 8th Street, Ames, Iowa 50010.

21 20. On information and belief Team Tech Global LLC is a New Jersey limited liability
22 company with its principal place of business at 1701 NW 93rd Avenue, Suite 203, Doral, Florida
23 33172.

24 21. On information and belief iTech Devices, Inc. is a California corporation with its
25 principal place of business at 45333 Fremont Blvd # 5, Fremont, California 94538.

1 22. On information and belief Link-US, LLC is a North Carolina limited liability
2 company with its principal place of business at 280 Premier Drive, Suite 111, Holly Springs, North
3 Carolina 27540.

4 **Supply of Alleged Counterfeit and Infringing Product**

5 23. The Third Party Defendants are all reputable dealers and merchants with respect to
6 Plaintiffs Cisco Systems, Inc. and Cisco Technology, Inc.'s ("Cisco") products alleged by Cisco in
7 the above captioned matter to be counterfeit and thereby infringing ("allegedly infringing Cisco
8 product").

9 24. Dexon obtained such allegedly infringing Cisco product from the Third Party
10 Defendants. While Dexon denies Cisco's allegations and believes the subject products to be
11 genuine, Dexon relied in good faith on the Third Party Defendants in procuring or obtaining such
12 products.

13 25. Without limitation, the Third Party Defendants warranted that such products sold to
14 Dexon would be "delivered free of the rightful claim of any third person by way of infringement
15 or the like." *See* U.C.C. §2-312(3).

16 26. Dexon timely tendered Cisco's claims against it herein to the Third Party
17 Defendants and the Third Party Defendants have either failed to respond or denied any duty to
18 defend or indemnify Dexon herein.

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FIRST THIRD PARTY CLAIM
(Indemnification - All Third Party Defendants)

27. Dexon repeats and realleges each of the allegations set forth in the preceding paragraphs as if fully set forth herein.

28. Dexon was named in this litigation as a direct result of product procured from and/or supplied by the Third Party Defendants.

29. Third Party Defendants should be ordered to indemnify Dexon whether based on express agreement, implied agreement or common law.

SECOND THIRD PARTY CLAIM
(Contribution - All Third Party Defendants)

30. Dexon repeats and realleges each of the allegations set forth in the preceding paragraphs as if fully set forth herein.

31. Dexon was named in this litigation as a direct result of product procured from and supplied by the Third Party Defendants.

32. Dexon is entitled to contribution from Third Party Defendants, whether based on express agreement, implied agreement or common law, to pay or defray any judgment entered against Dexon herein.

PRAYER FOR RELIEF

WHEREFORE, Defendant, Counterclaim Plaintiff and Third Party Plaintiff Dexon Computer, Inc. prays for judgment and relief against Plaintiffs and Counterclaim Defendants Cisco Systems, Inc. and Cisco Technology, Inc. ("Cisco") and Third Party Defendants Bizcom Electronics, Inc., Digi Devices Online, Enterprise Business Technologies, Inc., Fiber Cable Connections, MJSI, Multimode Technologies, LLC, Optimum Data, Inc., Paragon, Pure Future Technology, Inc., Seastar IT Trading LLC, Server Tech Supply, Softnetworks, Inc., Strada Networks, LLC, Unlimited Network Solutions, Wisecom Technologies, Tech Network Supply LLC, Team Tech Global LLC, iTech Devices, and Link-US, LLC as follows:

1 a. An award in Dexon's favor against Third Party Defendants sufficient to
2 compensate Dexon for all economic loss, damages, attorney's fees and costs resulting from the
3 claims herein; and

4 b. Such other and further relief as this Court deems just and equitable.
5

6 Dated: December 8, 2022

/s/ Amanda R. Washton

Amanda Washton

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New York, New York 10006

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Third-Party Plaintiff Dexon Computer, Inc.

DEMAND FOR JURY TRIAL

Dexon Computer, Inc. demands a trial by jury on all issues so triable.

Dated: December 8, 2022

/s/ Amanda R. Washton

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